

# Calendar No. 1239

77TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
{ No. 1197

## IDA BAIRD

MARCH 25 (legislative day, MARCH 5), 1942.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

## REPORT

[To accompany H. R. 3732]

The Committee on Claims, to whom was referred the bill (H. R. 3732) for the relief of Ida Baird, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1782, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1782, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 3732) for the relief of Ida Baird, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Line 6, strike out the figures "\$500" insert in lieu thereof the figures "\$240.02".

At the end of bill add: "Provided, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The purpose of the proposed legislation is to pay to Ida Baird of Loraine, Tex., the sum of \$240.02, for expenses resulting from hospitalization and treatment of Roy Sanders Baird, deceased.

### STATEMENT OF FACTS

On September 8, 1940, Roy Sanders Baird, a World War veteran, personally applied at the Veterans' Administration facility, Dallas, Tex., for admission to that institution, presenting a certificate from his family physician, Dr. Bruce H. Johnson, of Loraine, Tex., to the effect that about 4 weeks previously, the veteran noticed a dull ache in the lower part of his abdomen, which persisted for a period of 2 weeks; that the pain recurred; and that there was a history of constipation

and profuse vomiting, together with loss of appetite and loss of weight. Dr. Johnson made a diagnosis of intestinal obstruction, probably from a neoplasm.

After the veteran's arrival at the facility at Dallas, he was physically examined, it was found that no pain existed at the time of examination there, and he was returned to his home. Thereafter, he was admitted to a private hospital in Loraine Tex., and an operation was performed on September 10, 1940. Arrangements were subsequently made for transfer of the veteran to the veterans' facility, admission being accomplished on September 23, 1940. En route to the facility, the veteran became so acutely ill that further travel was not feasible, and he was removed from the train at St. Louis, Mo., and admitted to the Veterans' Administration facility, Jefferson Barracks, Mo., on October 3, 1940, where he expired 6½ hours later.

Mrs. Baird filed claim with the Veterans' Administration in the amount of \$250.02. This was all disallowed, except the sum of \$10, which is now in course of payment. The Veterans' Administration contends that although the circumstances of this case are regretted, favorable action on the bill cannot be recommended; that if the Congress gives further consideration to same, they suggest that the amount be reduced to \$240.02.

Your committee are of the opinion that the expenses incurred by Mrs. Baird were incurred due to negligence and misadvice on the part of the Veterans' Administration facility, and recommends the passage of the bill, as amended in the amount suggested by the Veterans' Administration. Appended hereto is the report of the Veterans' Administration, together with other pertinent evidence.

VETERANS' ADMINISTRATION,  
Washington, June 26, 1941.

Hon. DAN R. McGEHEE,  
Chairman, Committee on Claims, House of Representatives,  
Washington, D. C.

MY DEAR MR. McGEHEE: Further reference is made to your request, received March 12, 1941, for a report on H. R. 3732, Seventy-seventh Congress, a bill for the relief of Ida Baird, which provides:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ida Baird, of Loraine, Texas, the sum of \$500, in full satisfaction of all claims against the United States for expenses, resulting from the hospitalization and treatment of Roy Sanders Baird, deceased husband of Ida Baird."

The records of the Veterans' Administration disclose that on September 8, 1940, Roy Sanders Baird (XC-2,919,065), a World War veteran personally applied at the Veterans' Administration facility, Dallas, Tex., for admission to that institution, presenting a certificate from his family physician, Dr. Bruce H. Johnson, of Loraine, Tex., to the effect that about 4 weeks previously the veteran noticed a dull ache in the lower part of his abdomen, which persisted for a period of 2 weeks; that the pain recurred and that there was a history of constipation and profuse vomiting, together with loss of appetite and loss of weight. Dr. Johnson made a diagnosis of "intestinal obstruction probably from a neoplasm."

After the veteran's arrival at the Dallas facility he was physically examined, giving a similar history. However, it is recorded that no pain existed at the time of the examination. It was also stated that the veteran's bowels had moved regularly on that day. The examination disclosed a well-developed and well-nourished individual who did not look ill. The temperature, pulse, and respiration were normal, and the blood pressure was within normal limits. A notation was made that the abdomen was soft and that there was no tenderness, no rigidity, and no masses. The examining physician did not consider the veteran's condition to be emergent but did state that early, preferential admission should be made in view of the recent history for a period of observation for gastrointestinal pathology. Upon denial of admission, the veteran returned to his home and was soon thereafter admitted to a private hospital in Loraine, Tex.,<sup>1</sup> where an operation was performed on September 10, 1940. At the time of operation it was stated that the appendix was adherent with marked edema of the mesoappendix, and that there was a mass in the descending colon which was probably malignant.

<sup>1</sup> Notation in margin: "It was at Sweetwater, Tex. His doctor lives at Sweetwater, which is 35 miles from Loraine."

Arrangements were subsequently made for the transfer of the veteran to the Dallas facility, admission being accomplished on September 23, 1940. A diagnosis was made of tumor descending colon, and arrangements completed for the veteran's transfer to the Veterans' Administration facility, Hines, Ill., where special facilities are available for the treatment of such cases. En route to the facility the veteran became so acutely ill that further travel was not feasible, and he was removed from the train at St. Louis, Mo., and admitted to the Veterans' Administration facility, Jefferson Barracks, Mo., October 3, 1940, where he expired 6½ hours later. A post mortem examination disclosed a carcinoma of the descending colon with perforation and secondary peritonitis.

The records with respect to the veteran's hospitalization at the Dallas facility show that he was fully ambulatory prior to his transfer from that institution; and it was determined that he was able to travel without an attendant. The veteran's wife, however, did accompany him at her own expense.

There is some conflict in the records relative to the patient's condition upon the date of transfer in that the nurse reports that the abdomen was considerably distended, that the patient refused breakfast and that he was feeling weak, as compared to the ward physician's notation that the belly was soft and that there was no particular distress except for soreness in the left quadrant.

The circumstances in this case were exceedingly unfortunate. Yet there is no evidence to indicate that those coming in contact with the veteran failed to use their judgment and sense of responsibility.

A claim was filed on behalf of the veteran's widow, Ida Baird, which included the following items:

6 days' hospitalization in Sweetwater, Tex.....	\$60. 00
Medical services of Dr. Fortner at Sweetwater.....	35. 00
Medical services of Dr. Bruce Johnson, Sept. 10 and thereafter.....	125. 00
Widow's fare from Dallas to St. Louis, Mo.....	20. 02
Reimbursement for payment to Dr. Wm. H. Hemker, Pacific, Mo., who attended the veteran on the train en route from Dallas to Hines, Ill.....	10. 00
Total .....	250. 02

Reimbursement of the first three items of the above claim cannot be authorized under existing laws for the reason that the veteran's disability on account of which the expenses were incurred was not service connected. (Veterans' Administration Regulations and Procedure, R-6141.) The fourth item, likewise, may not be allowed for the reason that prior authority for transportation expenses of an attendant was not issued (Id. R-6105). The last item, however, represents proper charge and is now in course of payment.

Although the circumstances of this case are regretted, favorable action on the bill cannot be recommended for the reason that its enactment would constitute a discrimination against other claims for reimbursement of unauthorized medical expenses which cannot be allowed under general laws and regulations. Moreover, the extent of relief proposed by H. R. 3732 is in excess of the amount previously claimed. Should further consideration be given the measure it is suggested that the amount be reduced to \$240.02.

Very truly yours,

FRANK T. HINES, *Administrator.*

#### STATEMENT OF LOWELL B. BAIRD

THE STATE OF TEXAS,  
County of Young:

Before me, the undersigned authority, on this day personally appeared Lowell B. Baird, who, after being by me duly sworn on his oath, deposes and says that:

He went to Loraine, Mitchell County, Tex., and got his brother, Roy Sanders Baird, whose ex-service number in the Army of the United States during the recent World War was C-2,919,065, and took him to Dallas, Dallas County, Tex.; and he went before the veterans' hospital at that place; and the said hospital at that time refused to accept the said Roy Sanders Baird for medical attention. That the said affiant then took the said Roy Sanders Baird back to Graham, Young County, Tex.; and the said Roy Sanders Baird did sometime thereafter leave Graham, Young County, Tex., for his home at Loraine, Mitchell County, Tex.

That some 2 weeks later, the said affiant in company with Dr. Johnson, of Loraine, Mitchell County, Tex., again took the said Roy Sanders Baird to Dallas, Dallas County, Tex., and to the veterans' hospital in such place; and the said Roy Sanders Baird was by said hospital accepted for medical attention.

LOWELL B. BAIRD.

Subscribed and sworn to before me, the undersigned authority, on this the 3d day of January 1941.

[SEAL]

IMOGENE BUTLER,  
Notary Public, Young County, Tex.

#### STATEMENT OF MRS. IDA BAIRD

LORAIN, MITCHELL COUNTY, TEX., December 1940.

My name is Mrs. Ida Baird. I live in Loraine, Tex. I am the widow of the late veteran, Roy Sanders Baird, C-2,919,065, deceased October 3, 1940. He became very ill in September 1940 and was taken to veterans' facility at Dallas, Tex., September 8, 1940, in company with his brother, Lowell Baird, and wife and myself. The facility refused to accept him as he was not considered an emergency case. As a result I was forced to take him to a private hospital at Sweetwater shortly after midnight of September 10, 1940, where he was operated on and a growth found in colon. We took him back to the Dallas facility in last days of September 1940 where various tests were made and he was put on train, without an attendant, though I begged for one, to be sent to Hines Hospital at Chicago. The growth, which proved to be malignant, broke en route, and he was removed from the train at St. Louis, where he died at Jefferson Barracks, October 3, 1940.

I am now asking the Government for a refund on account of following items made necessary by the fact that he was refused permission to enter the Dallas facility and the fact that he was refused an attendant from Dallas to St. Louis and the further fact that the veterans' facility at Washington per Dr. Chas. M. Griffith, medical director, has stated that under the regulations refund cannot be made in case of this veteran:

For 6 days' hospitalization at Sweetwater, Tex.	\$60.00
Medical services by Dr. Bruce Johnson from Sept. 10, 1940, and thereafter	125.00
Medical services, for Dr. Fortner on Sept. 10, 1940	35.00
Railroad fare for myself while accompanying my husband from Dallas, Tex., to St. Louis	20.02
<b>Total</b>	<b>240.02</b>

IDA BAIRD.

Subscribed and sworn to before me a notary public in and for Mitchell County, State of Texas, this the 12th day of December A. D. 1940.

[SEAL]

BEN SMITH, Notary Public.

BRUCE H. JOHNSON, M. D.

PHYSICIAN AND SURGEON

LORAIN, TEX., March 19, 1941.

To: Mrs. ROY BAIRD,  
Loraine, Tex.

For professional services:

Balance due \$125

Dr. B. H. JOHNSON.

This bill is unpaid.

SWEETWATER, TEX., March 1, 1941.

To: MRS. ROY BAIRD,  
Loraine, Tex.

In account with

DRS. ROSEBROUGH &amp; FORTNER

Dr. C. A. ROSEBROUGH

Dr. A. H. FORTNER

Mar. 1, 1941: Balance due..... \$35

This bill is unpaid.

SWEETWATER HOSPITAL  
CITY OF SWEETWATER

SWEETWATER, TEX., March 19, 1941.

*Account of Roy Baird, Loraine, Tex., September 16, 1940*

Room and board, and nursing service, 6 days at \$5 per day.....	\$30
Operating room.....	15
Anesthetic.....	10
Medication.....	1
Cot.....	2
Glucose.....	2
Total.....	60

Admitted: September 10, 1940.

Dismissed: September 16, 1940.

Paid: \$60, September 10, 1940.

SWEETWATER HOSPITAL,  
By JOHN H. HUBBARD,  
Office Manager.DRS. ROSEBROUGH & FORTNER  
PHYSICIANS AND SURGEONS

SWEETWATER, TEX., July 30, 1941.

*To Whom It May Concern:*

This is to certify that on or about September 10, 1940, I assisted Dr. Bruce Johnson of Loraine, Tex., operate on Mr. Roy Baird.

The operation was an appendectomy which was acutely inflamed. However, at the time of the operation he was found to have a mass at middle third of descending colon. This was diagnosed as carcinoma of colon.

A. H. FORTNER, M. D.



THE BUREAU OF INVESTIGATION  
U. S. DEPARTMENT OF JUSTICE  
WASHINGTON, D. C. 20535  
September 10, 1940

TO: Mr. J. Edgar Hoover  
FROM: Mr. J. H. Connelley  
SUBJECT: [Illegible]

Reference is made to your letter of September 8, 1940, regarding the above subject.

The following information was obtained from the records of the Bureau of Investigation:

On September 8, 1940, the following information was received from the [Illegible]:

[Illegible text block containing several lines of information, possibly a list or summary of events.]

Very truly yours,  
J. H. Connelley  
Special Agent in Charge

Enclosed for the Bureau are two copies of a letterhead memorandum dated and captioned as above.

Very truly yours,  
J. H. Connelley  
Special Agent in Charge